

OFFICE OF ADMINISTRATIVE LAW

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SUSAN LAPSLEY
Director

June 17, 2010

ADDENDUM #1 TO RFP CCR 2010**REQUEST FOR PROPOSALS FOR THE PUBLICATION OF THE OFFICIAL
CALIFORNIA CODE OF REGULATIONS AND RELATED DOCUMENTS**

To Whom It May Concern:

OAL has issued an addendum to the Request for Proposals for the future publication of the California Code of Regulations (CCR) (RFP CCR 2010). The change being made in this addendum is shown by using underline to indicate additions to and by using strikethrough to indicate deletions from the RFP. A footnote noting the date of the addendum has been added to the revised page.

Addendum #1 revises section 5.11 on page 34. Please replace page 34 with the new version provided as an attachment.

This change is being made to reflect the adoption by the Department of General Services of revised General Terms and Conditions (GTC) for state contracts. GTC 610 has replaced GTC 307. The changes made to the state's General Terms and Conditions are described in the attached email from DGS Procurement Division dated June 10, 2010 (please see the section titled "GTC 610 Non-IT Services").

All other terms and conditions of this procurement remain the same.

Very truly yours,

A handwritten signature in cursive script that reads "Linda C. Brown".

Linda C. Brown
Deputy Director

Attachments

5.7. Darfur Contracting Act

Pursuant to Public Contract Code section 10478, if a bidder or proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must certify that it is not a “scrutinized” company as defined in Public Contract Code section 10476. A proposer who has done business outside of the United States must submit a certification to comply with California law. Please see Section 6, “Required Attachments” for information about obtaining the required certification form.

5.8. Air or Water Pollution

Government Code section 4477 prohibits the State from contracting with a person, including a corporation or other business association, who has been determined to be in violation of any state or federal air or water pollution control law. Government Code section 4481 requires the State Water Resources Control Board and the Air Resources Board to notify state agencies of such persons.

After the final date for submission of proposals, OAL will ascertain if any contractor who submitted a proposal is a person included in Notices from the State Water Resources Control Board or the Air Resources Board by reference to boards’ notices. No award will be made to a person who is identified either by the published notices or by advice, as a person in violation of State or federal air or water pollution control laws.

5.9. Loss Leader Prohibition

Pursuant to Public Contract Code section 10302, it is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in section 17030 of the Business and Professions Code.¹⁸

5.10. Fair Employment and Housing

Government Code section 12990 requires all state contractors to have implemented a Nondiscrimination Program before entering into any contract with the state. The Department of Fair Employment and Housing (“DFEH”) randomly selects and reviews state contractors to ensure their compliance with the law. DFEH periodically disseminates a list of bidders who have not complied. Any contractor so identified by DFEH is ineligible to enter into any state contract, and no award will be made to that contractor.

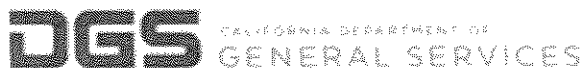
5.11. Additional Applicable State Laws

For other applicable state laws and requirements, please read the Contractor’s Certification Clauses (CCC-307), and the State of California General Terms and Conditions (GTC-610 307¹⁹) at <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>. Copies of CCC-307 or GTC-610 307¹⁹ may also be requested from the OAL contact person listed in Section 1 of this RFP.

¹⁸ Section 17030 provides that “Loss leader” means any article or product sold at less than cost: (a) Where the purpose is to induce, promote or encourage the purchase of other merchandise; or (b) Where the effect is a tendency or capacity to mislead or deceive purchasers or prospective purchasers; or (c) Where the effect is to divert trade from or otherwise injure competitors.

¹⁹ Modified by Addendum #1 issued June 17, 2010.

From: DGS Procurement [DGS.Procurement@dgs.ca.gov]
Sent: Thursday, June 10, 2010 1:13 PM
To: undisclosed-recipients
Subject: General Provisions and General Terms and Conditions - Revised June 8, 2010



707 Third Street
West Sacramento, CA 95798-9052
· 916.376.5000
· 916.376.5018

Broadcast Date: June 10, 2010

**TO: Procurement and Contracting Officers (PCOs)
Purchasing Authority Contacts (PACs)
Small Business and Disabled Veteran Business Enterprise Advocates**

**RE: General Provisions and General Terms and Conditions
Revised June 8, 2010**

The State's General Provisions, for both non-information technology (non-IT) goods (GSPD-401Non-IT Commodities) and information technology (IT) goods and services (GSPD-401IT) were revised effective June 8, 2010. The revised General Provisions are available at the following Department of General Services, Procurement Division (DGS/PD) web site:

<http://www.pd.dgs.ca.gov/modellang/GeneralProvisions.htm>

In addition, the State's General Terms and Conditions for non-IT services (GTC 610) and the General Terms and Conditions for Interagency Agreement (GIA 610) were revised effective June 9, 2010. The revised GTC's and GIA's are available at the following DGS, Office of Legal Services web site:

<http://www.ols.dgs.ca.gov/Standard%20Language/default.htm>.

GSPD-401Non-IT Commodities

Specifically, the following revision was made:

- Item 7(b): Compliance with Statutes and Regulations: This item was revised to reflect the new dollar threshold of \$554,000.

And the following items were added:

- Item 55: Small Business Participation and DVBE Participation Reporting Requirements: For specific language, refer to the GSPD-401Non-IT Commodities located at the web site above.
- Item 56: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10302(b).) *

GSPD-401IT

Specifically, the following revision was made:

- Item 7(d): Compliance with Statutes and Regulations: This item was revised to reflect the new dollar threshold of \$554,000.

And the following items were added:

- Item 59: Small Business Participation and DVBE Participation Reporting Requirements: For specific language, refer to the GSPD-401IT located at the web site above.
- Item 60: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 12104.5(b).) *

GTC 610 Non-IT Services

Specifically, the following items were added:

- Item 19: Small Business Participation and DVBE Participation Reporting Requirements. For specific language, refer to the State's General Terms and Conditions located at the website above.
- Item 20: If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).) *

GIA 610 Interagency Agreements

Specifically, the following item was added:

- Item 9: Non-Payment of Invoices – Fund Transaction Request is being added pursuant to Budget Letter 10-10. For specific language, refer to the State's General Interagency Agreement terms located at the website above.

State agencies must immediately incorporate the General Provisions, GTC's, or GIA's, as applicable, into all new and in-process solicitations and all new purchase documents and/or contracts.

*If your solicitation incorporates the applicable General Provisions or GTC's, this meets the requirement of the Loss Leader statement in your solicitation.

Questions or concerns regarding this Broadcast should be addressed to:

PPO@dgs.ca.gov